

REMARKS

Claims 13 and 17-32 were presented for examination in the present application. Applicants confirm election of the invention of Group I, which corresponds to claims 13 and 17-25. The instant amendment cancels non-elected claims 26-32 without prejudice, which are now the subject matter of a U.S. Application Serial No. 10/999,309. In addition, the instant amendment adds new claims 33-35, which is directed to the elected embodiment of Group I. Thus, claims 13, 17-25, and 33-35 are presented for consideration upon entry of the instant amendment.

Applicants note with appreciation the indication of allowable subject matter in claims 19-20 and 22-23. Claim 19 has been amended to include the elements of claim 18 and, thus, claim 19, as well as claim 20 that depends therefrom, are in condition for allowance. It is submitted that these amendments merely make explicit what had been implicit in the claims.

Claim 22 has been amended to include the elements of claim 18. Claim 23 has been amended to provide antecedent basis to all claim elements. Accordingly, claims 22-23 are in condition for allowance. It is submitted that these amendments merely make explicit what had been implicit in the claims.

Claims 24 and 25 were rejected under 35 U.S.C. §112, first paragraph. Applicants respectfully traverse this rejection.

The present application at least at page 6, lines 3-7 provides that:

“In certain embodiments, the control of the pressure of the stream of gas can be employed to control the speed of descent of the curtain. Thus, by controlling the rate of descent of the curtain and the rate of relative movement between the articles and the curtain, a variety of different effects can be achieved.”

Further, the present application at least at page 12, line 21 provides that:

“The angle of descent can be varied by varying the pressure of the air and/or by varying the positioning of the slot 48 relative to the curtain 30.”

Moreover, original claim 9 provides that “the pressure of the stream of gas is controlled to control the speed of descent of the curtain”.

Clearly, the original application discloses controlling the pressure of the gas streams. It is respectfully submitted that the original application therefore inherently discloses a device or controller for achieving this function. Accordingly, Applicants have amended Figures 1 and 3 and the specification at pages 9 and 12 to include the controller for controlling the pressure of the gas streams. It is respectfully submitted that these amendments to the specification and drawings merely make explicit what had been implicit in the original application.

Entry of the proposed amendment to the specification and drawings and reconsideration and withdrawal of the rejections to claims 24 and 25 under section 112 are respectfully requested.

Claim 24 is believed to be in condition for allowance for at least the reason that it depends from the aforementioned claim 22.

Claims 13 and 17 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,871,105 to Fisher et al. (Fisher).

Claim 13 requires, in part, supply means arranged to provide a curtain of solidifiable liquid coating material.

It is respectfully submitted that Fisher does not teach a curtain of solidifiable liquid coating material. Specifically, Fisher discloses a throat 48 coupled to a blower 50 for carrying a low-velocity gas (e.g., air) in a laminar divergent stream 52 having a good uniformity into the housing. Mounted within the housing 44 is a nozzle 54, that pumps a liquid into a very fine mist or fog 62 of flux droplets which is injected into the stream 52. See col. 4, line 46 through col. 5, line 2.

It is submitted that the fine mist or fog of flux dispersed in a laminar stream of gas of Fisher does not disclose or suggest the curtain of solidifiable liquid coating material.

Notwithstanding the above, claim 13 has been amended to recite that the articles are articles of food and the solidifiable liquid coating material is an edible coating material. Fisher is directed to method and apparatus of applying flux to a circuit board and, thus, clearly does not disclose or suggest the articles of food and edible coating material of claim 13.

Claim 13 is therefore believed to be in condition for allowance over Fisher. Accordingly, reconsideration and withdrawal of the rejection to claim 13 over Fisher are respectfully requested.

Claim 17 also requires, in part, a curtain of solidifiable liquid coating material and the solidifiable liquid coating material is an edible coating material.

Again, Fisher is directed to method and apparatus of applying flux to a circuit board. The flux of Fisher is clearly not the edible coating material of claim 17. Further, Fisher discloses a very fine mist or fog 62 of flux droplets that is injected into a laminar stream 52. See col. 4, line 46 through col. 5, line 2. It is submitted that the fine mist or fog of flux dispersed in a laminar stream of gas of Fisher does not disclose or suggest the curtain of solidifiable liquid coating material of claim 17.

Claim 17 is therefore believed to be in condition for allowance over Fisher. Accordingly, reconsideration and withdrawal of the rejection to claim 17 over Fisher are respectfully requested.

Claims 13, 17, 18, 21, and 25 were rejected under 35 U.S.C. §102(e) over U.S. Patent No. 5,902,648 to Naka et al. (Naka).

Claim 13 has been amended to recite that the articles are articles of food and the solidifiable liquid coating material is an edible coating material. Similarly, claim 17 has been

amended to recite that the solidifiable liquid coating material is an edible coating material.

Naka is directed to a liquid application apparatus 1 having a tube holding means 3 for holding a protection glass 2 of e.g. 16:9 aspect ratio cathode ray tubes(CRT) revolvable, a nozzle 4 for spouting a liquid containing fluorescent material to protection glass 2, and a nozzle transfer means 5 for transferring nozzle 4 on tube holding means 3 in Y direction perpendicular to X direction. See col. 3, lines 38-46.

Clearly, the protection glass and fluorescent material of Naka do not disclose or suggest the articles of food and edible coating material of claim 13 or the edible coating material of claim 17.

Claims 13 and 17 are therefore believed to be in condition for allowance over Naka. Accordingly, reconsideration and withdrawal of the rejections to claims 13 and 17 over Naka are respectfully requested.

Claim 18 requires, in part, an outlet slot positioned downstream of the supply means through which the solidifiable liquid coating material flows under the action of gravity to form a curtain.

Naka is directed to a nozzle 4 having a circulation hose 31 connected with the outgoing side of a circulation pump 33. See col. 4, lines 15-20. Thus, Naka uses pump 33 to force fluid through nozzle 4. Clearly, the system of Naka that pumps fluid through the nozzle does not disclose or suggest the outlet slot through which the solidifiable liquid coating material flows under the action of gravity as recited by claim 18.

Claim 18 is therefore believed to be in condition for allowance over Naka. Claims 21 and 25 are also believed to be in condition for allowance for at least the reason that they depend from the aforementioned claim 18. Accordingly, reconsideration and withdrawal of the rejections to claims 18, 21, and 25 over Naka are respectfully requested.

Claim 13 was rejected under 35 U.S.C. §103(a) over U.S. Patent No. 1,984,009 to Baker et al. (the '009 patent) in view of U.S. Patent No. 1,737,447 to Baker et al. (the '447 patent).

Applicants respectfully traverse this rejection.

Claim 13 requires, in part, a “supply means having a surface along which the solidifiable liquid coating material flows” and “means arranged to subject the solidifiable liquid coating material to the action of at least one stream of gas on the surface”.

The '009 patent is directed to a method of treating chocolate. In the embodiments of Figures 3 and 4, the '009 patent discloses air nozzles 9. In both embodiments, the air nozzles 9 direct the air on to the surface of the chocolate.

In contrast, claim 13 requires at least one stream of gas on the surface of the supply means. Clearly, the '009 patent that directs air on the chocolate does not disclose or suggest the at least one stream of gas on the surface of the supply means as recited by claim 13.

The '447 patent also does not disclose or suggest means arranged to subject the solidifiable liquid coating material to the action of at least one stream of gas on the surface of the supply means as recited by claim 13.

Accordingly, it is submitted that claim 13 is not disclosed or suggested by the proposed combination of the '009 patent and the '447 patent. Thus, claim 13 is believed to be in condition for allowance over the proposed combination of references. Reconsideration and withdrawal of the rejection to claim 13 over the '009 and '447 patents are respectfully requested.

Claims 33-35 have been added to point out various aspects of the present application. Support for claim 33 can be found at least in claim 19. Support for claim 34 can be found at least in claim 21, while support for claim 35 can be found at least in claim 25.

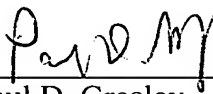
Claim 33 is believed to be in condition for allowance for at least the reasons that claim 19 was

indicated as being allowable. Claims 34 and 35 are believed to be in condition for allowance for at least the reason that they depend from claim 19, which was indicated as being allowable.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited. If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

March 2, 2005



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AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to FIGS. 1 and 3. This sheet, which includes FIGS. 1-3, replaces the original sheet including FIGS. 1-3. In FIGS. 1 and 3, a controller 26 for the pressure of the air has been incorporated.